

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

In re:  
Randy Scott Chitwood  
Constance Efird Chitwood  
SS#: XXX-XX-8055  
XXX-XX-3619

Case No. 12-30287

Chapter 13

Related Document No. 67

**\*AMENDED**

**TRUSTEE'S NOTICE OF COMPLETION OF MORTGAGE ARREARAGE CURE  
PAYMENTS AND MOTION TO DEEM MORTGAGE LOAN ACCOUNT CURRENT**

**REAL PROPERTY CREDITOR: BANK OF AMERICA NA**

<u>Trustee Claim #</u>	<u>Clerk Claim #</u>	<u>Asserted Claim Amount</u>	<u>Claim Type</u>
7	21	\$117,832.21	M-Mortgage/Lease
6	21	\$3,343.17	N-Mortgage/Lease Arrears

Pursuant to Fed. R. Bank. P. 3002(f)-(i) and Local Rule of Bankruptcy Practice and Procedure 3003-1 (f) (3), the undersigned Chapter 13 trustee hereby provides notice and moves the Court as follows:

1. The debtors' Chapter 13 plan was confirmed by order entered May 30, 2012.
2. The debtors' plan contained provisions for payment by the debtors through the Chapter 13 trustee of all required conduit mortgage payments and all of the cure payments for any pre-petition and/or post-petition arrearages for the above-named real property creditor.
3. The real property creditor, including successors, assignees, or transferees, is BANK OF AMERICA NA.
4. The debtors have completed payments to the trustee under the Chapter 13 plan as confirmed, with any post-confirmation amendments or modifications.
5. The final plan payment disbursement to the real property creditor by the Trustee was made on July 31, 2017.
6. All conduit mortgage payments, as well as all arrearage cure payments and any cost advances or other contractual expense claims that have been filed with the Court and provided for by the plan, have now been made to the real property creditor by trustee payment and the real property creditor has been paid to a current status through July 2017.
7. The debtors' responsibility to resume timely mortgage payments directly to the real property creditor begins with the payment contractually due for August 2017. Separate notice of this requirement has been provided to the debtors.
8. The trustee's formal history of all disbursements of conduit mortgage payments, as well as all disbursements of arrearage cure payments and any cost advances or other contractual expense claim payments due to the real property creditor, as filed with the Court and provided for by the plan, is available for review upon request and, if needed, shall be tendered to the Court if a hearing is required.

9. The status of the debtors' mortgage loan account with the real property creditor should be deemed contractually current through July 2017.

**Wherefore, the trustee respectfully provides notice and moves the Court for an order providing as follows:**

1. That all mortgage loan payment requirements for the real property creditor are now contractually current through July 2017, including the completion of any required cure payments for pre-petition and/or post-petition mortgage arrearages.
2. That the debtors shall resume direct mortgage loan payments to the real property creditor with the first such direct payment to be credited by the real property creditor for the payment contractually due for August 2017.
3. That the Chapter 13 trustee's responsibilities under the provisions of the plan to the real property creditor and to the debtors have been satisfied.
4. For such other relief as is appropriate and just.

DATED: August 04, 2017

Warren L. Tadlock  
Standing Chapter 13 Trustee  
5970 Fairview Road, Suite 650  
Charlotte, NC 28210-2100

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**NOTICE OF OPPORTUNITY FOR HEARING**

The Chapter 13 trustee has filed papers in the bankruptcy case for the Debtors named above requesting **Notice of Completion of Mortgage Arrearage Cure Payments and Motion to Deem Debtors' Mortgage Loan Account Current for Real Property Creditor: BANK OF AMERICA NA.**

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested by the trustee in the motion, or if you want the court to consider your views on the motion, then by August 28, 2017 you or your attorney must file with the court a written response to the motion and a request for a hearing at the following address:

Clerk, U.S. Bankruptcy Court  
401 W Trade St.  
Charlotte, NC 28202

If you **mail** your response to the court for filing, you must mail it early enough for the court to **receive** it on or before the deadline stated above.

If you file a response, then a hearing on the trustee's motion will be held at the following time and place:

Date: September 26, 2017 Time: 9:30 am

Location: Charles Jonas Federal Building  
Courtroom 1-5  
401 West Trade Street  
Charlotte, NC 28202-1619

**No hearing will be held unless a response is filed.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought and may enter an order granting that relief.

Dated: August 04, 2017

Warren L. Tadlock  
Standing Chapter 13 Trustee  
5970 Fairview Road, Suite 650  
Charlotte, NC 28210-2100

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**CERTIFICATE OF SERVICE**

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on August 04, 2017.

L. Long  
Office of the Chapter 13 Trustee

BANK OF AMERICA NA, PO BOX 660933, DALLAS, TX 75266  
BROCK & SCOTT PLLC, 5121 PARKWAY PLAZA DR STE 300, CHARLOTTE, NC 28217  
PROBER & RAPHAEL, A LAW CORPORATION, 20750 VENTURA BLVD STE 100, WOODLAND HILLS, CA 91364  
PROBER & RAPHAEL, PO BOX 4365, WOODLAND HILLS, CA 91365-4365  
Randy Scott Chitwood, Constance Efird Chitwood, 6420 Long Meadow Lane, Charlotte, NC 28210